UNITED STATES PATENT AND TRADEMARK OFFICE

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10/645,099	08/21/2003	Jeff Scott Eder	VM-55	7276

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/3/07*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-40 and 49-61* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-40 and 49-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 25-40, 49-61 remained pending.

2.   In view of the Appeal Brief filed on 10/03/2007 PROSECUTION IS HEREBY
REOPENED. New grounds of rejections are set forth below.

    To avoid abandonment of the application, appellant must exercise one of the following
two options:

    (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37
CFR 1.113 (if this Office action is final); or,

    (2) request reinstatement of the appeal.

    If reinstatement of the appeal is requested, such request must be accompanied by a
supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or
other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

    Claims 25, 33, 57, are rejected under 35 U.S.C. 101 because the claimed invention is
directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims 25, 33, 57 recites
"integrating data and identifying and generating, creating evolving, ", however these
steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural
phenomena) that do not apply, involve, for example) and abstract ideas without a
practical application are found to be non-statutory subject matter. Therefore, Applicant's
claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:
    The specification shall conclude with one or more claims particularly pointing out and
    distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 25, 33, 57 , are rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

In particular, Claims 25, 33, 57, recites the words [" using at least a portion of the data,

for each aspect, disparate sources, meta data standard "].

However this language fails to distinctly claim Applicant's invention because the scope of the

claim is unclear. Moreover the specification fails to clarify, the meaning of the limitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set
      forth in this Office action:
      (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
      in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
      art are such that the subject matter as a whole would have been obvious at the time the invention was made
      to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be
      negatived by the manner in which the invention was made.

7.   Claims 25-40, 49-61, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ellard U.S. Patent 5, 991, 758 in view of Abelow U.S. Patent 5, 999, 908.

 As per claim 25, Ellard discloses a finance method, comprising:

integrating data from organization transaction databases in accordance with a common

schema for an organization with one or more enterprises; (see column 17 lines 20-34).

Ellard fail to explicitly teach using at least a portion of the data to develop developing a

model that identifies a net contribute of one or more elements of value to an

organization share price by a category of value and a plurality of tools for organization

financial management selected from the group consisting of one or more category of

value models one or more component of value models, one or more market value

models one or more network models one or more optimization models a plurals of

segmentation models a plurality of simulation models one or more value chain models,

a plurality of management reports, one or more lists of chances that will optimize one or

more affects of organization financial performance; a system for automated trading of

organization equity security based on a market sentiment value and combinations

thereof where the categories of value are current operation and a segment of value

selected from the group consisting of operation, real options, market sentiment and

combinations thereof by using at least a portion of the-data.

However Abelow discloses for one example, FIG. 22 illustrates the expected learning curve for one product feature and the corresponding match of types of questions. A counter is incremented at each occurrence of that same trigger (which may be using a particular product feature, exiting an important new product feature without using it, accessing any one of a set of related but infrequently used features, etc.). The actual triggers occur at specific instances when both the trigger increments the counter, and that counter reaches specific values. At each of those specific values, a different trigger is fired and each are independent of the others (such as on the 2nd, 10th, 70th and 95th use of a feature), as follows.(note abstract and see column 29 lines 28-67 and column 30 lines 1-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify thee teachings of Ellard to include using at least a portion of the data to develop developing a model that identifies a net contribute of one or more elements of value to an organization share price by a category of value and a plurality of tools for organization financial management selected from the group consisting of one or more category of value models one or more component of value models, one or more market value models one or more network models one or more optimization models a plurals of segmentation models a plurality of simulation models one or more value chain models, a plurality of management reports, one or more lists of chances that will optimize one or more affects of organization financial performance; a system for automated trading of organization equity security based on a market sentiment value and combinations thereof where the categories of value are current operation and a segment of value selected from the group consisting of operation, real options, market sentiment and combinations thereof by using at least a portion of the-data taught by Abelow in order to develop or construct modules that is built in to certain products and services.

As per claim 26, Lyons discloses where the an element of value are is selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment intellectual property, partnerships,

processes, supply chains, vendors, vendor relationships and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 27, Lyons discloses where developing a model that identifies a net contribution of one or more elements of value to an organization share price value by a category of value further comprises:

creating performance indicators for each element of value using at least a portion of the data, training models of historical and forecast data for one or more aspects of financial performance using said indicators to identify value driver candidates by element of value by enterprise, analyzing historical and forecast data for one or more aspects of financial performance using induction algorithms and said value driver candidates to identify value drivers and create element impact summaries by enterprise, and using said element impact summaries to quantify a contribution of each of one or more elements of value to an organization share price value by category of value by enterprise. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 28, Lyons discloses where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, market value, alliance value brand value channel value customer values customer relationship value, employee value, employee relationship value, intellectual property, value partnership value, process value, supply chain value vendor value vendor relationship value and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 29, Lyons discloses where the contribution of an element of value to a category of value is the net contribution of the element of value to the category of value and the other elements of value. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 30, Lyons discloses further comprises using a model that identifies a net contribution of one or more elements of value to an organization share price by a ,category of value the organization share price by category of value to complete activities selected from the group consisting of identifying changes to one or more

element value drivers that will optimize one or more aspects of organization financial performance (see column 17 lines 20-34 and columns 4-6 lines 1-67) identifying the impact of value driver changes on one or more aspects of organization financial performance in an interactive manner, reporting organization market and share price value by element of value, reporting organization market and share price value by category of value, identifying a price point for trading organization shares and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 31, Lyons discloses where organization transaction databases are selected from the group consisting of advanced financial system databases, basic financial system databases, alliance management system databases, brand management system databases, business intelligence system databases, customer relationship management system databases, channel management system databases, estimating system databases, intellectual property management system databases, process management system databases, supply chain management system databases, vendor management system databases, operation management system databases, enterprise resource planning systems (ERP) (see column 17 lines 20-34 and columns 4-6 lines 1-67) material requirement planning systems (MRP), quality control system databases, sales management system databases, human resource system databases, accounts receivable system databases, accounts payable system databases, capital asset system databases, inventory system databases, invoicing system databases, payroll system databases, purchasing system databases, web site system databases, the Internet, external databases, user input and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 32, Lyons discloses where a transaction is any event that is logged or recorded. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 33, Lyons discloses a computer readable medium having sequences of instructions stored therein, which when executed cause a processor in a computer to perform a learning method, comprising:

integrating data from organization transaction databases in accordance with a common schema for an organization with one or more enterprises and identifying a set of data records that are associated with each of one or more aspects of enterprise financial performance from said integrated data that can be used for training plurality of cluster models for each aspect of enterprise financial performance (see column 17 lines 20-34 and columns 4-6 lines 1-67).

Ellard fail to explicitly teach generating a plurality of cluster models that identify a plurality of segments for each aspect of financial performance learning from at least a potion of the data where said cluster models when taken together comprise an overall model for each aspect of financial performance and where the aspects of financial performance are selected from the group consisting of category of value, component of value element of value, market value and combinations thereof.

However Abelow discloses for one example, FIG. 22 illustrates the expected learning curve for one product feature and the corresponding match of types of questions. A counter is incremented at each occurrence of that same trigger (which may be using a particular product feature, exiting an important new product feature without using it, accessing any one of a set of related but infrequently used features, etc.). The actual triggers occur at specific instances when both the trigger increments the counter, and that counter reaches specific values. At each of those specific values, a different trigger is fired and each are independent of the others (such as on the 2nd, 10th, 70th and 95th use of a feature), as follows.(note abstract and see column 29 lines 28-67 and column 30 lines 1-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify thee teachings of Ellard to include generating a plurality of cluster models that identify a plurality of segments for each aspect of financial performance learning from at least a potion of the data where said cluster models when taken together comprise an overall model for each aspect of financial performance and where the aspects of financial performance are selected from the group consisting of category of value, component of value element of value, market value and combinations

thereof taught by Abelow in order to develop or construct modules that is built in to certain products and services.

As per claim 34, Lyons discloses wherein identifying a plurality of segments for an element of value further comprises:

creating a plurality of performance indicators for each element of value using at least a portion of the data (see column 17 lines 20-34 and columns 4-6 lines 1-67)

evolving a plurality of models of historical and forecast data for one or more aspects of financial performance using said indicators to learn which indicators are value driver candidates by enterprise evolving a plurality of induction models of historical and forecast data for one or more aspects of enterprise financial performance using said candidates to learn which indicators are value driver candidates while creating a plurality of element impact summaries from said value drivers, and

using said element impact summaries to identify a plurality of segments for each element of value with a clustering algorithm. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 35, Lyons discloses where the contribution of each of one or more elements of value to a value of a business is segmented by category of value where the categories of value are selected from the group consisting of current operation, real options, market sentiment and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 36, Lyons discloses wherein are component of value is selected from the group consisting of revenue, expense, capital change; market value and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 37, Lyons discloses wherein the method further comprises using genetic algorithms used to evolve the a plurality of models. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 38, Lyons discloses where learning from the data further comprises activities selected from the group consisting of identifying previously unknown value drivers, identifying previously unknown relationships between elements of value,

identifying previously unknown relationships between element value drivers and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 39, Lyons discloses wherein the elements of value are selected from the group consisting_ of alliances brands, channels, customers, customer relationships, employees employee relationships, equipment intellectual property, partnerships,, processes supply, chains, vendors. . vendor relationships and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 40, Lyons discloses wherein cluster models are developed using algorithms selected from the group consisting of "Kohonen" neural network K-nearest neighbor, Expectation Maximization and_ the segmental K-means algorithm. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 49, Lyons discloses a composite application method for data processing, comprising using two or more independent components of application software to produce one or more useful results by processing a set of data where said data has been integrated from two or more systems in an automated fashion accordance with a common model or schema defined by a common metadata standard. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 50, Lyons discloses wherein two or more independent components of application software can be flexibly combined as required to support the development of one or more useful results. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 51, Lyons discloses wherein a common metadata standard is xml, metadata coalition standard or corba. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 52, Lyons discloses wherein an independent component of application software completes processing selected from the group consisting of: data analysis, attribute derivation, capitalization, causal analysis, classification, clustering, count linkages, data acquisition, data conversion, data storage, data transformation, element life estimation, indicator selection, induction, keyword counting, keyword search, linkage

location, relative strength determination, statistical learning, valuation, vector generation and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 53, Lyons discloses wherein one or more useful results are selected from the group consisting of: an element contribution determination, an element impact quantification, an element valuation, an enterprise financial performance analysis, an enterprise financial performance optimization, a keyword location identification, an enterprise financial performance simulation, a future market value optimization, a future market value quantification, a management report production, a real option discount rate calculation, a real option valuation, a share price valuation, an element of value segmentation, a target share price determination, a keyword count and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 54, Lyons discloses wherein two or more systems are selected from the group consisting of accounts receivable systems, accounts payable systems, advanced financial systems, basic financial systems, alliance management systems, brand management systems (see column 17 lines 20-34 and columns 4-6 lines 1-67). customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems,
human resource systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site management systems, the Internet, external databases and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 55, Lyons discloses wherein a plurality of data are integrated from two or more systems in accordance with a common model or schema defined by a common metadata standard using metadata mapping. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 56, Lyons discloses wherein two or more independent components of application software further comprise two or more bots. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 57, Lyons discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data method, comprising:

automatically integrating data from a plurality of disparate sources into a common database using a predefined metadata standard hat defines a common schema (see column 17 lines 20-34 and columns 4-6 lines 1-67).

Ellard fail to explicitly teach where the plurality of disparate sources further comprise data sources selected from the group consisting of a plurality of database management systems associated with a plurality of transactions systems for one or more commercial enterprises, one or more external databases, an Internet and combinations thereof. However Abelow discloses for one example, FIG. 22 illustrates the expected learning curve for one product feature and the corresponding match of types of questions. A counter is incremented at each occurrence of that same trigger (which may be using a particular product feature, exiting an important new product feature without using it, accessing any one of a set of related but infrequently used features, etc.). The actual triggers occur at specific instances when both the trigger increments the counter, and that counter reaches specific values. At each of those specific values, a different trigger is fired and each are independent of the others (such as on the 2nd, 10th, 70th and 95th use of a feature), as follows.(note abstract and see column 29 lines 28-67 and column 30 lines 1-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify thee teachings of Ellard to include where the plurality of disparate sources further comprise data sources selected from the group consisting of a plurality of database management systems associated with a plurality of transactions systems for one or more commercial enterprises, one or more external databases, an

Internet and combinations thereof taught by Abelow in order to develop or construct modules that is built in to certain products and services.

As per claim 58, Lyons discloses wherein a plurality of data from a plurality of disparate data sources are automatically integrated into a common database using metadata mapping. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 59, Lyons discloses wherein a plurality of enterprise transactions systems are selected from the group consisting of accounts receivable systems, accounts payable systems, advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems (see column 17 lines 20-34 and columns 4-6 lines 1-67) channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems, human resource systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site management systems and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 60, Lyons discloses wherein the method further comprises performing a search for one or more keywords and making a set of results from said search available. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

As per claim 61, Lyons discloses wherein a keyword further comprises a word selected from a category consisting of company name, brand name, trademark and combinations thereof. (see column 17 lines 20-34 and columns 4-6 lines 1-67).

<div align="center">Conclusion</div>
<div align="center">RESPONSE TO ARGUMENTS</div>

8. Applicant's argument filed 10/3/07 has been fully considered but they are moot in view of new grounds of rejections.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.
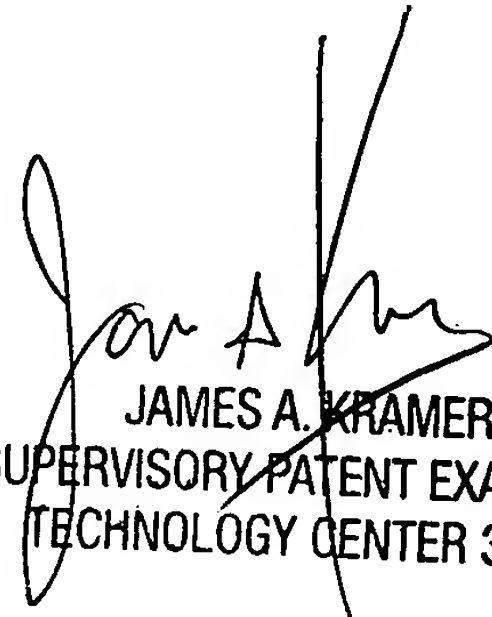
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

JAN 2, 2008

JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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